

MAZIE SLATER KATZ & FREEMAN, LLC

COUNSELLORS AT LAW
103 Eisenhower Parkway
Roseland, NJ 07068
(973) 228-9898
Fax (973) 228-0303
www.mazieslater.com

David A. Mazie*
Adam M. Slater*^o
Eric D. Katz*^o
David M. Freeman
Beth G. Baldinger
Matthew R. Mendelsohn^o

Karen G. Kelsen^o
Cheryll A. Calderon
David M. Estes
Adam M. Epstein^o
Michael R. Griffith^o
Matthew Tonzola
Christopher J. Geddis

*Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

^oMember of N.J. & N.Y. Bars

July 22, 2019

VIA ECF

Honorable Robert Kugler, U.S.D.J.
U.S. District Court - District of New Jersey
Mitchell S. Cohen Building & US
Courthouse
1 John F. Gerry Plaza, Courtroom 4D
4th and Cooper Streets
Camden, NJ 08101

Honorable Joel Schneider, U.S.M.J.
U.S. District Court - District of New Jersey
Mitchell S. Cohen Building & US
Courthouse
1 John F. Gerry Plaza, Courtroom 3C
4th and Cooper Streets
Camden, NJ 08101

Re: IN RE: VALSARTAN N-NITROSODIMETHYLAMINE (NDMA) PRODUCTS
LIABILITY LITIGATION
Civil No. 19-2875 (RBK/JS)

Dear Judge Kugler and Judge Schneider:

Please accept this letter on behalf of the Plaintiffs addressing the Agenda issues in advance of the July 24, 2019 Case Management Conference.

1. Fact Sheets – Plaintiff and Defendant

The parties have exchanged multiple versions of the proposed Fact Sheets, and have met and conferred with regard to the Personal Injury PFS at length, as that is the most extensive PFS, and it is expected that agreement and/or resolution of issues with that PFS will resolve or guide

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resolution of potential disputes with the remaining PFSs. The parties will be prepared to present and discuss remaining disputes at the conference.

Plaintiffs are concerned that there will not be a meaningful opportunity to meet and confer on the specifics of each fact sheet prior to the conference, which will make it difficult for the parties to narrow disputes, if any remain, and most efficiently present those disputes to the Court.

2. Dismissal Process

The parties continue to meet and confer regarding the process for dismissal of certain defendants without prejudice. The parties will be prepared to discuss any remaining open issues at the conference.

3. Short Form Complaint

Following the most recent status conference, Plaintiffs provided the Defendants a revised version of the Short Form Complaint reflecting the Court's guidance. Defense counsel indicated to Plaintiffs on Friday, July 19, 2019, that they are reviewing to confirm that this version is acceptable, and Plaintiffs are waiting for a response from Defendants.

4. Insurance Disclosures

Plaintiffs provided defense counsel with a detailed list of continued deficiencies in the insurance disclosures, and are hopeful that the Defendants at issue will cure the remaining deficiencies. To the extent that deficiencies remain, Plaintiffs will be prepared to address this issue with the Court.

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5. Core Discovery Update

Plaintiffs believe it would be helpful to provide an update to the Court regarding the status of core discovery. Plaintiffs are mindful of the Court's Order regarding the presentation of disputes regarding core discovery, and are not seeking resolution but rather to simply inform the Court of the status.

Plaintiffs received productions from the following defendants on June 27, 2019:

- a. Aurobindo Pharma USA, Inc. and AuroLife Pharma LLC
- b. Hetero USA, Inc.
- c. Mylan Pharmaceuticals Inc.
- d. Prinston Pharmaceutical Inc.
- e. Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., Actavis LLC, Actavis Pharma, Inc., and Arrow Pharm (Malta) Ltd.
- f. Torrent Pharma, Inc.

In addition, on June 27, 2019 Plaintiffs received lists of customers from Solco Healthcare U.S., LLC; Zhejiang Huahai Pharmaceutical Co., Ltd.; and Huahai U.S., Inc., but no substantive production of documents.

On July 19, 2019, Plaintiffs received supplemental productions from Aurobindo, Mylan, Prinston, and Torrent.

The parties have begun the meet and confer process with regard to deficiencies Plaintiffs have identified with the productions and production letters to date.

6. Snap Removals of New Jersey State Court Cases

ZHP recently “snap removed” two Valsartan personal injury/cancer cases filed in the Middlesex County Superior Court. ZHP has agreed to the remand of one of the cases, as it was served prior to removal; however, ZHP has indicated that it does not agree to remand of the other

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removed case. Plaintiffs are concerned that this practice runs directly counter to the parties' agreement to service in accordance with Case Management Order No. 9, and that as part of the coordination of the MDL and state court litigation, a substantively identical Order will be entered in state court. In addition to the inconsistency between ZHP's snap removal of cases and the service protocol, this practice will, if it continues, lead to wasteful expenditure of time and money by plaintiffs who wish to file their cases in state court, in order to prevent snap removal.

7. Coordination with State Court Proceedings

Defense liaison counsel presented a proposed Joint Coordination Order to Plaintiffs' leadership, and the parties are scheduled to meet and confer on July 22, 2019, at 5 pm. Plaintiffs look forward to discussing this issue with the Court.

Please advise if Your Honors require anything else prior to the conference.

Respectfully,



ADAM M. SLATER